



**CITY OF SUNNYVALE
REPORT
Planning Commission**

November 28, 2005

SUBJECT: **2005-0641 – Cingular Wireless** [Applicant] **Fairbrae Swim Club** [Owner]: Application on a 1.06-acre site located at the Fairbrae Swim and Tennis Club at **696 Sheraton Drive** (near Hollenbeck Av) in an R-1 (Low-Density Residential) Zoning District.

Motion Use Permit to allow a new 52-foot high pole with six panel antennas and associated ground equipment.

REPORT IN BRIEF

Existing Site Conditions Tennis and Swim Club

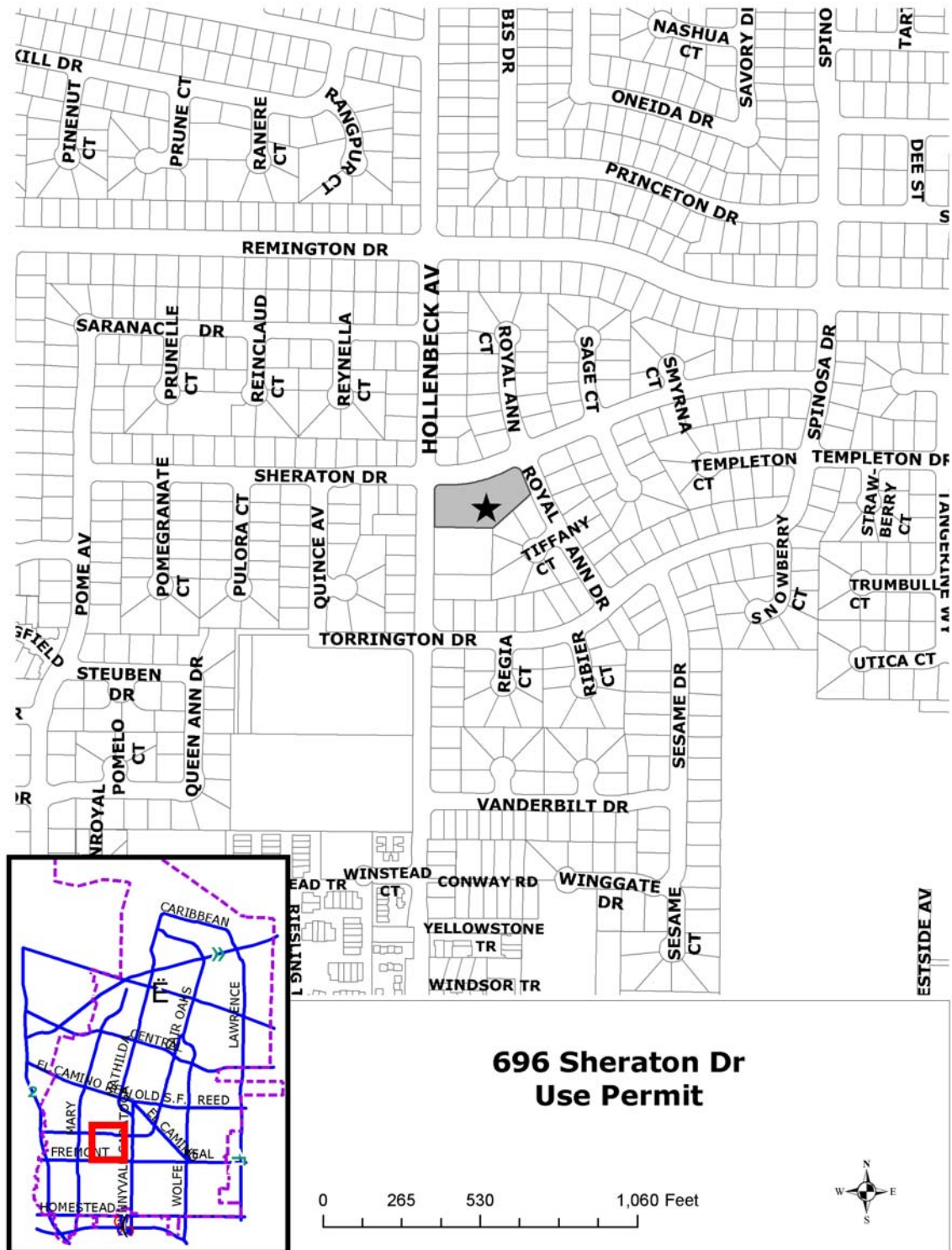
Surrounding Land Uses

North	Single-family Residential
South	Single-family Residential
East	Single-family Residential
West	Single-family Residential

Issues Height of Telecommunications Pole
Proximity to Residential
Aesthetics

Environmental Status A Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approval



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low Density	Same	Residential Low Density
Zoning District	R-1	Same	R-1
Lot Size (s.f.)	46,173	Same	N/A
Gross Floor Area (s.f.)	4,541	3,431	N/A
Lot Coverage (%)	9.8%	7.5%	40% max.
No. of Clubhouse Buildings On-Site	1	Same	N/A
Distance Between Clubhouse Buildings and Wireless Facility	N/A	6"	No min.
Building Height (ft.)	12'-11"	Same	30 max.
Monopole Height (ft.)	N/A	52	Up to 65 ft. permitted with Major Use Permit
Area of Equipment Enclosure at the Base of the Pole	N/A	330 s.f.	No max.
Setbacks of Proposed Monopole (Facing Property)			
Front	N/A	42'	20' min.
Left Side	N/A	200'	4' min.
Right Side	N/A	146'	8' min.
Rear	N/A	105'-10"	20' min.
Setback From Residential Property	N/A	105'-10" Front 105'-10" Rear	104' min.

ANALYSIS

Description of Proposed Project

The project consists of the installation of a 12" diameter monopole 52 feet high with associated ground equipment located in the landscape area 14' away from the base of the pole. The slim-line monopole will replace an existing 30' tall tennis light pole and will be located in the paved area between the tennis courts and swimming pool. This new light pole will maintain the tennis court light at the same height as the existing lights. The new light pole will include six 52" panel antennas at the top of the pole, stacked so 3 are located above the other 3 antennas. The equipment area will include seven equipment cabinets and necessary telephone and power equipment (Attachment D).

The applicant proposes to remove the existing unused solar panel structure located near the corner of Hollenbeck Avenue and Sheraton Drive as part of the project.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
1961-0002 1961-0025	Develop Community Swim Center	Rezone Use Permit	2/20/61
1968-0216	Charm School Classes	Use Permit	1/22/68
1968-0218	Tennis Court Lights and Additional Building Space	MPP Variance	10/14/68

Environmental Review

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment C, Initial Study).

Use Permit

Use: The proposed freestanding telecommunications facility is intended to serve Cingular customers in the surrounding area. Due to the increased demand for service from residential customers, the facility would need to be located in this residential neighborhood.

Site Layout: The Fairbrae Swim and Tennis Club consists of a community building with locker facilities, a swimming pool and two tennis courts. There are eight 30' tall light poles for the two tennis courts. Four of these lights are located along Hollenbeck Avenue and the other four between the courts and swimming pool. The lights were granted a Use Permit in 1968 and placed a condition of approval that the lights were not to operated after 10 PM.

The applicant originally made application for a 62' tall tree pole located adjacent to the tennis courts, across the street from the homes on Sheraton Drive. This design required a Variance because the setback for a freestanding wireless facility from residential properties is 2 horizontal feet for every 1 foot on height. Staff met with the applicant at the site to review other options. After that meeting the applicant changed the design to the current configuration in order to avoid the need for a Variance.

Design: SMC Section 19.54.040(a) states that “based on potential aesthetic impact, the order of preference for facility type is: façade mounted, roof mounted, ground mounted and free-standing tower.” This project, as a free-standing facility, is the least desirable design.

The proposed wireless facility consists of 6 antennas mounted in a stacked method. The antennas are designed to be mounted close to the pole to minimize visual impacts.

SMC Section 19.54.040(p) states that “the facility shall not be readily visible to the nearest residentially zoned property”. The proposed slim-line pole replaces an existing light pole and is 22' taller and approximately 3-5" greater in diameter. The proposed pole will not be readily visible to the nearest residentially zoned properties on Sheraton Drive and south of the site on Hollenbeck Avenue because of extensive vegetation between the new pole and the homes. The pole may, however, be easily visible to the homes across Hollenbeck Avenue to the west because of the lack of tall vegetation along the area. There are existing vertical elements along this stretch of Hollenbeck Avenue, including two power poles and lines approximately 45' tall at the street and the existing light poles 30' tall on the property line at the tennis courts (see Photosimulations, Attachment E).

Alternative Locations/Designs Considered: According to the applicant, the desired location for the Cingular wireless facility is the relatively small area around the intersection of Remington Drive and Hollenbeck Avenue. Most of the properties in the coverage area are residentially used, which do not allow wireless facilities. The applicant provided the following alternative site analysis to explain why other locations were not acceptable to Cingular (see Attachment H):

1. PG&E tower at 151 El Camino Real- The tower is too close to existing sites and a new site in that location could interfere with those sites. Also, that location would not provide good coverage in the desired area.
2. Former Hollenbeck Elementary School (now the Challenger School)- Although the school is relatively close to Fairbrae Swim and Tennis Club, it is located too far south of the coverage area and too close to the existing Cingular site at Fremont High School.

Due to the lack of other non-residentially used sites in the area, the applicant stated they had trouble finding any other suitable location. Staff has reviewed the coverage maps submitted by the applicant (Attachment J), and it appears the site does provide the best possible coverage. The applicant has stated that placing a site at one of the other alternative locations would also require the addition of several additional sites in the area to match the coverage from the proposed site.

Ground Equipment: The radio equipment cabinets will be inside a new 330 square foot compound which consists of a 6'-8" high masonry block wall with a 3' wide gate to Sheraton Drive. The equipment in the compound will operate continuously and is required by SMC 19.42.030(a) to not exceed 50 dBA. This standard is also applied to pool equipment and air conditioning units in residential neighborhoods.

Radio Frequency (RF) Emissions Exposure: The RF Emissions Report (Attachment G) includes information about the proposed radio frequency emissions of the facility. According to the report, the proposed facility would emit 0.82% of the maximum standard permitted by the FCC and is considered safe for inhabited areas. The FCC is the final authority on safety of telecommunications facilities. If the facility meets the FCC standards, the City is not permitted to make additional judgments on health and safety issues. The proposed application shall be considered on design and location criteria only.

To ensure the facility does not exceed federal guideline emission standards, staff recommends that the applicant take two readings of radio frequency emissions: one before the facility is constructed (to take the ambient level of existing emissions) and one after the facility is complete and operating at full capacity. These readings should be taken adjacent to the monopole near the pool and tennis courts and at each property line. The results shall be submitted to the Director of Community Development in order to ensure the facility meets federal standards (Condition 1.J).

Existing Landscaping: There are significant trees located on and adjacent to the site, including:

- On site: A 65' high oak tree near the pool,
- Along Sheraton Drive: Four 41' high trees,
- Adjacent Property on Hollenbeck Avenue: Several large trees, including 65', 91' and 104' redwood trees.

The existing trees along Sheraton Drive are between the monopole and the homes across that street from the project site and will likely screen the monopole. The same is true for the residential properties south of the site. There are no trees, however, along Hollenbeck Avenue that would screen the monopole from the homes on that street.

Expected Impact on the Surroundings: The monopole will have the greatest visual impact to the properties across Hollenbeck Avenue and on that public street. The impact is lessened due to the many other vertical elements along this portion of the road, including 30' tennis court light poles at the property line and 45' tall utility poles and overhead utility lines along the street.

Compliance with Development Standards/Guidelines: The Code requires that freestanding wireless telecommunications structures not create a visual impact to the surrounding properties. The project, as currently designed, meets that criteria for those properties across Sheraton Drive and to the property on the south because of the existing trees. The structure will be more visible to the properties across Hollenbeck Avenue because of the lack of trees along the street in this location. There are, however, other existing vertical elements found in this area, including utility poles and overhead lines and tennis court light poles. These elements are between the proposed monopole and the homes across Hollenbeck Avenue, and would somewhat lessen the visual impact of adding a somewhat higher structure in place of one of the 30' high tennis court light pole.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

A Neighborhood Outreach meeting was held by the applicant on September 19, 2005 at the Fairbrae Swim and Tennis Club and was attended by 13 neighbors and club members. Staff has also discussed the project with several members of the public at the one-stop counter and has received 3 e-mails of concern about the project (Attachment I).

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 70 notices mailed to the property owners and residents within 300 ft. of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Conclusion

Discussion: The applicant's goal to provide service to the surrounding area is consistent with current wireless companies' needs. The desired coverage area is mainly residentially-used properties, so the options for location of a wireless facility are limited. The proposed Fairbrae Swim and Tennis Club site is appropriate because it already has a non-residential use and other vertical elements on site, such as tennis light poles. The design combining the wireless facilities and the tennis court lights reduces the number of new structures on site and placement of the site inside the club facility removed the need for a Variance.

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Permit (Attachment A).

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Adopt the Negative Declaration and approve the Use Permit with attached conditions.
2. Adopt the Negative Declaration and approve the Use Permit with modified conditions.
3. Adopt the Negative Declaration and deny the Use Permit.
4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.

Recommendation

Recommend Alternative 1.

Prepared by:

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Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Negative Declaration
- D. Site and Architectural Plans
- E. Photosimulations
- F. Alternative Site Analysis
- G. RF Emission Report
- H. Letter from the Applicant
- I. Letters from Other Interested Parties
- J. RF Coverage Maps

Recommended Findings - Use Permit

Goals and Policies that relate to this project are:

Telecommunications Policy Goal B: Promote universal access to telecommunications services for all Sunnyvale citizens.

Land Use and Transportation Element Action Statement N1.1 – *Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

Land Use and Transportation Element Policy N1.3 – *Support a full spectrum of conveniently located commercial public and quasi-public uses that add to the positive image of the city.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project provides for residential access to telecommunications services while designing the facility to blend in with the residential character of the neighborhood.
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because the proposed design (as conditioned) will not negatively impact the surrounding residential properties and the RF emissions are substantially below Federal limits.

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review and approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development; major changes may be approved at a public hearing.
- B. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- C. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building permit for this project.
- D. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- E. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- F. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Commission.
- G. Every owner or operator of a wireless telecommunications facility shall renew the facility permit at least every five (5) years from the date of initial approval.
- H. Each facility must comply with any and all applicable regulations and standards promulgated or imposed by any state or federal agency, including but not limited to, the Federal Communications Commission and Federal Aviation Agency.
- I. Certification must be provided that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to RF emissions.

- J. The applicant shall submit to the Director of Community Development Radio Frequency Emissions at least two reports of field measurements showing: 1.) The ambient level of RF emissions before construction of the facility and 2.) The actual level of emissions after the facility is in place and operating at or near full capacity. The measurements shall be taken at each property line.
- K. The owner or operator of any facility shall obtain and maintain current at all times a business license as issued by the city.
- L. The owner or operator of any facility shall submit and maintain current at all times basic contact and site information on a form to be supplied by the city. Applicant shall notify city of any changes to the information submitted within thirty (30) days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to the following:
 - 1.L.1.1. Identity, including name, address and telephone number, and legal status of the owner of the facility including official identification numbers and FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility.
 - 1.L.1.2. Name, address and telephone number of a local contact person for emergencies.
 - 1.L.1.3. Type of service provided.
- M. The owner or operator shall maintain, at all times, a sign mounted on the outside fence along Carlisle Way showing the operator name, site number and emergency contact telephone number.
- N. All facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility or equipment as soon as practicable, and in no instance more than forty-eight (48) hours from the time of notification by the city.
- O. Each facility shall be operated in such a manner so as to minimize any possible disruption caused by noise. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekday nights. At no time shall equipment noise from any source exceed an exterior noise level of 60 dB at the property line.

- P. Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards set forth in the Telecommunications Ordinance.
- Q. The wireless telecommunication facility provider shall defend, indemnify, and hold harmless the city or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The city shall promptly notify the provider(s) of any such claim, action or proceeding. The city shall have the option of coordinating in the defense. Nothing contained in this stipulation shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.
- R. Facility lessors shall be strictly liable for any and all sudden and accidental pollution and gradual pollution resulting from their use within the city. This liability shall include cleanup, intentional injury or damage to persons or property. Additionally, lessors shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of the release of pollutants from their operations. Pollutants mean any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, electromagnetic waves and waste. Waste includes materials to be recycled, reconditioned or reclaimed.
- S. Wireless telecommunication facility operators shall be strictly liable for interference caused by their facilities with city communication systems. The operator shall be responsible for all labor and equipment costs for determining the source of the interference, all costs associated with eliminating the interference, (including but not limited to filtering, installing cavities, installing directional antennas, powering down systems, and engineering analysis), and all costs arising from third party claims against the city attributable to the interference.
- T. No wireless telecommunication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end no facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the FCC's Maximum Permissible Exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any more restrictive

standard subsequently adopted or promulgated by the city, county, the state of California, or the federal government.

- U. No portion of the ground equipment shall exceed the height of the masonry wall around the compound. Landscaping shall be added to the base of the wall to the front and sides of the compound to soften the view from Sheraton Drive and Hollenbeck Avenue.
- V. The existing solar panels structure along Sheraton Drive shall be removed and landscaped prior to issuance of a Final Building Permit.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain necessary Development Permit from the Department of Public Works for all proposed off-site improvements.

3. LANDSCAPING

- A. Landscape and irrigation plans shall be submitted to the Director of Community Development subject to approval by the Director of Community Development prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy. The landscape plan shall include planting around fence at base of equipment.
- B. No trees shall be removed as part of this application.
- C. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
- D. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices.

4. LIGHTING

- A. Provide photocells for on/off control of all security and area lights.
- B. All exterior security lights shall be equipped with vandal resistant covers.
- C. Lights shall have shields to prevent glare onto adjacent residential properties.

5. SIGNS

- A. All new signs shall be in conformance with Sunnyvale Municipal Code.